



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2006763

Applicant Name: John Caruso, Michael Fancher and Associates, for Van Gogh Development Corporation

Address of Proposal: 5721 35th Avenue S

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a five story, 72-unit assisted-living. Parking for 26 vehicles will be located underneath the structure.

The following approvals are required:

Design Review pursuant to Chapter 23.41 Seattle Municipal Code (SMC).

SEPA Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

Currently, the site is undeveloped. The southern portion of the site includes an existing wetland that has been relocated and which will be enhanced concurrent with this project. The

development site is zoned Midrise (MR) and is located in an Urban Village. Areas immediately to the east are zoned C1-65. The area immediately adjacent and to the west of this proposal, although it is within the Midrise (MR) zone, with higher allowable densities and a permitted 65-foot height limit, is platted with small individual lots and developed with single family structures which are a part of a larger development known as Nojii Gardens. The property across the alley to the north of the site is SF 5000. As a result of the development, 35th Av. S. which runs north-south immediately to the east of the site will be improved to Seattle Transportation right-of-way and street standards.

Related Sites and Projects

The project was originally proposed as part of a larger, two-parcel development for two assisted-living facilities which included the separate parallel site to the east, across the 35th Av. S. right-of-way on a parcel zoned C1-65. That project, originally described as a 7-story, 125-unit assisted-living facility, has been considered under a separate Master Use Permit (MUP #2101339). A separate MUP (#2101168) granted an ECA exception to relocate portions of the wetlands on the subject site and to provide mitigation for the wetland relocation. A subsequent grading permit has been issued in relation to the wetland mitigation plan (Project #2205394).

DESIGN REVIEW PROCESS

As indicated above, the project was originally presented to the Design Review Board for Early Design Guidance as one part of the larger, two-parcel development of assisted living facilities which included the separate site to the east across 35th Av. S.

Early Design Guidance Meeting - April 10, 2001

After visiting the site, considering the site analysis provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority for this project:

Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The proponents should take care to spare existing trees that are of high quality. They should take care in handling the steep slope and wetlands, so that these features will be an amenity of the project.

- A-2 *Streetscape Compatibility.* *The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

The Board inquired as to the necessity of developing the 35th Street right-of-way as proposed.

Note: DCLU staff followed up on this, and after consulting with Seattle Department of Transportation (SDOT), has determined that the development of 35th Street is indeed necessary. The Board stated that if the parking is to be along the streetfront façade -- which will require a departure from development standards for the commercially zoned lot -- it must be sensitively handled. They suggested breaking up the appearance of the length of the parking garage.

- A-3 *Entrances Visible from the Street.* *Entries should be clearly identifiable and visible from the street.*

- A-5 *Respect for Adjacent Sites.* *Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

- A-6 *Transition between Residence and Street.* *For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

- A-7 *Residential Open Space.* *Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

The Board stated that open space and greenery should help to promote well-being in elderly people. They were opposed to a departure for less open space. They would like to see the majority of the existing trees preserved.

- A-8 *Parking and Vehicle Access.* *Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.*

The applicant stated that most of the parking will not be for residents; rather, it will be for the staff and visitors.

Height, Bulk, and Scale

- B-1 *Height, Bulk, and Scale Compatibility.* *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.*

The Board and the citizens were concerned about the scale of the building, since the surrounding area is developed less intensively than allowed by the zoning. However, the only remarkable zone change is the area where the western lot is across the alley from a single family zone. The eastern portion of the site is prominent due to topography, and the Board would like the applicants to consider ways to design the building in order to reduce the height, bulk, and scale impacts.

Architectural Elements

C-1 Architectural Context. *New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural pattern and siting pattern of neighboring buildings.*

C-2 Architectural Concept and Consistency.

- *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

The Board stated that the design should include a base, middle, and top. They also warned against a fortress-like appearance. They warned against the appearance of a long, continuous expanse.

- *Buildings should exhibit form and features identifying the functions within the building.*
- *In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

C-3 Human Scale. *The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.*

A fortress-like appearance should be avoided. The Board was especially concerned about the entrance, which needs to be accentuated.

C-4 Exterior Finish Materials. *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The applicant stated that they would employ brick or stone on the first level, with stucco or Dryvit above, and vinyl windows. The Board were pleased that masonry or stone is proposed, and stated that the architect should incorporate a third material, and the decks should probably not have the same sheathing as the walls. The Board urged the proponent to explore the options for materials.

Pedestrian Environment

D-2 Blank Walls. *Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

D-5 Visual Impacts of Parking Structures. *The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

The Board would like to see the screen wall of the garage broken up, if it is to be located as proposed at the meeting. Well-placed planting might alleviate the situation.

Note: As mentioned above, parking along the street level frontage is subject to a departure. The parking will only be allowed here if it makes for a better design than other options, such as putting the parking underground.

Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

The site should be well-landscaped, especially since greenery lifts the spirits of the elderly.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The proponents should retain as many of the high-quality trees as possible.

Design Departures

The following design departures were discussed at the meeting regarding the structure proposed for 5721 35th Avenue S.:

- A departure from modulation standards
- A departure from the 20 percent open space requirements
- A departure to allow more large parking spaces than the percentage allowed for residential uses

Preliminary Recommendation Meeting - July 24, 2001

On July 24, 2001, John Caruso of Michael Fancher and Associates presented the project to the Design Review Board. The applicant provided information on the potential residents of the assisted living facility and the nature of the services offered to its residents. The applicants also presented the work that they had done on the project to date, in response to the design guidelines developed by the Board at their previous meeting.

Overall, the Board was concerned about how the applicant applied their initial design guidance in developing the project. The Board felt that if the two projects were being developed together that they should be reviewed concurrently. The presentation at this Board meeting, however, only included the formal design of the proposal under MUP #2101339, that is, for the parcel east of 35th Av. S. Many of the public comments and questions by Board members focused on the combined impacts of the two developments. In response, the applicants indicated that specifics of a proposed design and formal presentation on the subject parcel would be formally presented following review and approval by DCLU of a request for a wetland exception for the site. This exception, pursued under a separate Master Use Permit (#2101168), would be necessary to provide a clearer delineation of the developable area for the subject site.

Design Guidance, April 23, 2002

Subsequently, on April 23, 2002, at a meeting of the Design Review Board, members of the Board provided the following siting and design guidance specific to the development site west of 35th Av. S. This guidance was given in addition to that from their meeting of April 10, 2001 which had addressed the development sites on either side of 35th Av. S. In offering this site-specific guidance the Board members identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* that were of highest priority to the project:

A-1 Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.

The Board felt that considerable effort by the applicant needed to be made in responding to this guideline. The Board was particularly interested in how the building would respond to the wetland, as an amenity for the site and in its relationship to the neighborhood. The Board was also interested in how the project would be sited in relationship to the street improvements for 35th Av. S., especially how the grade change between the site and the proposed improvements to 35th Av. S. will affect the site plan.

A-2 Streetscape Compatibility – The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way

The Board made this a high priority for the project, given the proposed grade change between 35th Av. S. and the site, especially along the middle and northern portions of the site. The Board was particularly interested in possibly orienting the project along 35th Av. S. to mitigate the height, bulk and scale of the building.

A-3 Entrances visible from the street – Entries should be clearly identifiable and visible from the street

The Board felt that the project should have a prominent entrance on 35th Av. S., especially in response to the proposed street grade. The Board also felt that an entrance should be established along the west side of the building as well.

A-4 Human Activity - New Development should be sited and designed to encourage human activity on the street.

The Board felt that it was very important that the building have a residential feel, especially at or near the street, in order to ensure activity along the street front of 35th Av. S. This was important for the Board given the proposed location of the parking and the likely location of the loading underneath the building and away from 35th Av. S.

A-5 Respect for Adjacent Sites - Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board was very concerned about the impact of the development on the properties to the west, given the proposed siting and massing of the building. The Board was interested in looking at cross sections of the development in relationship to the uses to the west and east, in order to look at the response to the guidelines in greater detail.

A-6 Transition Between Residence and Street - For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

See guidance under A-2 and A-3, above.

A-7 Residential Open Space - Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board was interested in how the wetland could be used to fulfill zoning code requirements for Open Space as well as being an amenity for the residents.

A-8 Parking and Vehicle Access - - Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board felt that the applicant's response to this guideline was very important, given the location of the proposed access off the alley in relation to residential uses to the north of the project. The Board wanted to see a developed site and landscaping plan at the next meeting to show how the access to the site would be screened by landscaping to mitigate its impacts on surrounding properties. The Board would also like to see details of the access and parking areas, as they were not available at this meeting.

A-10 Corner Lots - Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board felt that the development of the wetland at or near the corner was a unique opportunity and one of some importance for the project. The Board felt that the building should respond to the corner orientation of the wetland and to generally focus the development of the property to respond to the wetland.

B-1 Height, Bulk and Scale Compatibility - Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The Board felt that the applicant's response to this guideline was critical to the success of the project, due to the scale of development to the west, north and south. The Board was particularly interested in how the massing of the building could be developed to create more bulk in the first two stories with less bulk as the building rises, to mitigate the height, bulk and scale on surrounding properties. The board was also interested in how changing or terracing the mass of the building could mitigate the potential impacts from a proposed 60 foot tall building on adjacent two story houses. The Board acknowledged the concerns of those residents in attendance in developing these priorities, given the scale of this project in relationship to surrounding uses developed prior to this proposal. The Board was also very interested in looking at the use of materials and detailing to mitigate the height and bulk of the project as well.

C-1 Architectural Context - New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board was particularly concerned that the height and massing of this building in relationship to the applicants other project permitted under MUP 2101339 across the street would create a canyon or tunnel effect on 35th and the larger neighborhood and streetscape. The Board was interested in the project adopting residential solutions, as previously referenced, through the use of cornices, scale, fenestration, massing and other clearly identifiable residential themes and materials. The board felt that it was critical that this project be differentiated as much as possible in massing, materials and other design solutions to avoid a canyon effect that could be created given the proximity and relatively similar height and massing in relationship to the building to the east.

C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

As previously referenced, the Board was particularly interested in how residential materials and detailing would be used to create facades that were more compatible with adjacent uses to the north, west and south. The board felt it was important to look at architectural cues from Noji Gardens, as well as not creating a back or rear to the building. While important to the project in general, the Board's direction underscores the importance of this guideline in the development of the entrance given the height and visibility of the structure to surrounding uses.

C-3 Human Scale - The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Please see previous guidance in A-2, A-4, C-1 and C2

C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board again reiterated the importance of using residential quality materials. The Board felt strongly that the use of Dryvit, stucco or EIFS was not appropriate to this proposal, given the importance of mitigating the impact of this development on adjacent residential uses.

D-1 Pedestrian Open Spaces and Entrances - Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

While important to the project in general, the Board's direction underscored the importance of this guideline in the development of the entrance, relationship to the wetland and the overall scale of the project in relation to the adjacent pedestrian network.

D-5 Visual Impacts of Parking Structures - The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

This guideline was important to the Board, as previously indicated, especially how the underground and at-grade parking areas would be screened from adjacent residential properties.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites – Where possible, character and where there is not another overriding concern, landscaping should reinforce the of neighboring properties and abutting streetscape.

The Board felt that this was a very high priority, given the impacts of the height, bulk and scale of the project and the proximity to adjacent residential uses. The Board was particularly interested in developing appropriate screening for both the project and the surface parking areas.

E-2 Landscaping to Enhance the Building and/or Site - Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

As previously referenced in this report, the Board was very interested in how the required open space and the wetland can be jointly developed for the project's residents.

E-3 Landscape Design to Address Special Site Conditions - The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as green belts, ravines, natural areas, and boulevards.

Design Departures

At the April 23, 2002 Design Review Board meeting the applicants proposed no departures from development standards.

Design Review Board Recommendation Meeting – February 11, 2003

At a regularly scheduled meeting of the Design Review Board for Area 4, Southeast Seattle, held at Seattle Vocational Institute on February 11, 2002, and with four Board members present, the applicant presented the plans which had been developed since the last Design Review Board Guidance meeting, indicating how the design had responded to the guidance of the Board. In particular, since the last Design Review Board meeting, the design:

- Moved the entire structure east and south, away from the west and north property lines
- Did away with the circular drive off 35th Av. S.
- Moved the dining room from a position on the northeast façade to a position on the southeast corner of the structure
- Removed the stairwell from the north façade of the building, placing it further south and into the interior of the building
- Set back the units on the top (5th) floor from the north façade
- Added large sun porches at the south façade on floors 3, 4 and 5 and a smaller sun porch on the second floor
- Provided access to the interior parking from the alley to the north

Departures

At this meeting the applicant requested the following departures from Land Use Code development standards:

DEPARTURE	CODE COMPLIANT	ALLOWED
Structure Width and Depth (SMC 23.45.052 A2 & B2):	maximum allowable width=150,' maximum allowable depth=65% of lot depth (=67 ').	Proposed: 196' width and 77' depth.
Modulation (SMC 23.45.054 A1 & D):	8-foot deep and min 10-foot wide if façade exceeds 40-feet in width.	Proposed: East façade (Entry bay) would not meet modulation requirements.
Setbacks (SMC 23.45.056 A3a):	front average to be 15 feet.	Proposed: minimum of 5 feet with average less than 15 feet.
Access to Parking (SMC 23.45.060 B2c):	required from street rather than alley when across alley from Single Family zone.	Proposed: alley access to parking

Public Comment

A public comment and question period then followed at which time one member of the public representing a group of residential property interests nearby the project raised a question about the project being marketed as “apartments.” It was pointed out that that the proposed building,

as designed, would not provide adequate on site parking for any but the assisted living use. In general, those in attendance agreed that the applicant had made significant attempts to mitigate their concerns voiced earlier in the process, about height, bulk and scale impacts to the single family structures to the north and to the west by moving the proposed structure further south and east on the site.

Board Discussion and Recommendation

Summary of Decision

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the 4 members of the Design Review Board present unanimously recommended **APPROVAL** of the revised designs presented at the February 11, 2003 meeting. The Board generally felt that the quality of the design and design solutions met the Design Guidelines that were previously prioritized for this project. The Board also indicated that overall design quality had improved since the initial meetings. The Board commended the applicant on the steps taken to alter the design since the last Board meeting, in particular: in re-siting the building further to the east and to the south; in relocating the dining area and adding sun rooms to take advantage of the southern exposure and to address the wetland area. They agreed that the design of the parking access off the alley as well as the other requested departures resulted in a development which better meets the intent of the design guidelines than a design that simply met the Land Use Code requirements.

In recommending approval of the overall design, and in recommending the granting of each of the requested departures in view of the overall design of the proposal, the Board did ask that two conditions be placed upon the project.

1. Prior to construction permit issuance the applicant shall submit to DCLU a revised Landscape Plan which shall incorporate the quantity and quality of flora as shown on the various renderings that had been prepared for the presentation to the Board at the February 11, 2003 meeting. The plan shall provide for the selection, variety, placement, and quantities of trees, shrubs and plants which would provide, at maturity, the kind of vertical and horizontal massing and layering of planting materials as shown in the presentation drawings.
2. Prior to Certificate of Occupancy the applicant shall demonstrate that the lighting fixtures within the parking area are so designed and so shielded so as to prevent any glare which could be perceived from the residential properties in the area.

ANALYSIS - DESIGN REVIEW

Response to Priorities

The Board expressed their appreciation how the project had developed since its original presentation. The Board commended the applicant on the steps taken to alter the design since

the last Board meeting, in particular: in re-siting the building further to the east and to the south; in relocating the dining area and adding sun rooms to take advantage of the southern exposure and to address the wetland area. They agreed that the design of the parking access off the alley as well as all the other requested departures resulted in a development which better meets the intent of the design guidelines than a design that simply met the Land Use Code requirements. The Board highlighted their approval by indicating that the applicant had developed a design that was more responsive than had been presented at earlier meeting of the Board, based on the development of the design features discussed above. To ensure that the overall design quality that was detailed in the applicant's Design Review presentation materials to the Board and the public are maintained, further conditions concerning approval of materials are detailed below. Authority to develop conditions to ensure that the project meets the intent of Design Review are found under SMC 23.41.014F.

DECISION - DESIGN REVIEW

The proposed design is **GRANTED** with conditions detailed at the end of this decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant, dated August 27, 2002, and annotated by the Department. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term and Construction-Related Impacts

The following temporary or construction-related impacts are expected:

- construction dust and storm water runoff,
- erosion,
- adverse water quality impacts to the wetland,
- increased traffic and demand for parking from construction equipment and personnel; increased noise levels,

- occasional disruption of adjacent vehicular and pedestrian traffic,
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Noise

There will be excavation required to prepare the building site and foundation. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses in the adjacent residentially zoned areas. Due to the proximity of other residential uses the limitations contained in the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), mitigation is warranted. The hours of construction activities shall be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. This condition may be modified by DCLU to allow work of an emergency nature or to allow low-noise interior work after the exterior of the structure is completely enclosed. This condition may also be modified to permit low noise (hand work without motorized assistance) exterior work (e.g., installation of some landscape materials) after prior approval from DCLU.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Earth/Soils

The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than

100 cubic yards of material. Additional requirements for erosion control, including a provision for implementation of Best Management Practices (BMPs) and an erosion control plan will be reviewed jointly by the DCLU Building Plans Examiner and Geotechnical Engineer prior to issuance of a construction permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used.

No additional conditioning relating to earth/soils is warranted pursuant to SEPA policies.

Traffic - Construction Parking

Construction of the project is proposed to last for several months. Numerous concerns were raised by residents through the review process concerning the effect of construction related traffic impacts on 35th Av. S and other surrounding streets. This portion of 35th Av. S adjacent to the development site will also be subject to full street improvements following review and approval by Seattle Transportation. Because of the density of the surrounding neighborhood, on going construction activities and the proposed street improvements, demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding residential properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan, with information provided on the exact routes of construction related trips to and from the site. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. Due to the size and location of this proposal, however, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. SMC 25.05.675 C (Drainage) allows that projects adjacent wetlands may be required to provide drainage control measures designed to a higher standard than the design storm specified in the Grading and Drainage Control Ordinance. Issues relating to on site drainage and to the wetlands on site have been addressed through the Environmentally Critical Area (ECA) exception process and mitigation for the wetlands area is covered in the Wetland Mitigation Plan required by MUP #2101168. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Height, Bulk and Scale

The proposed multi-story project will be located in a Midrise (MR) zone with a 60-foot height limit. Properties directly to the north of the site are zoned Single Family 5000. Although the same Midrise zoning extends extensively west of the subject site, the platting there and actual construction follows a pattern more typical of single-family neighborhoods: modest single-family dwellings on individual small lots. In addition the platting and construction is of recent vintage and is not likely to give way to the densities or to the height, bulk and scale that would be allowed by the MR zoning. The SEPA Height, Bulk and Scale Policy (SMC 25.06.675 G) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”* Therefore, it is appropriate to consider height, bulk and scale impacts on lots to the north of this proposal site.

From the time of Early Design Guidance the Design Review Board was sensitive of the height, bulk and scale impacts of this proposal, not only on the Single Family zone across the alley to the north but on the existing single family homes in the continuation of the Midrise zone beyond the site's western property line. At the Recommendation Meeting for this project the Board commended the applicant for altering the earlier proposal and significantly moving the proposed structure south and eastward on the site. The Board were unanimous in recommending a Design Review Departure from the development standard for a front setback in order to accommodate the gesture which addressed their earlier height, bulk and scale concerns.

In accordance with SEPA Policies related to height, bulk and scale (SMC 25.05.675 G) deference is given to the Board's recommendation because the project incorporates design elements which adequately address issues of height, bulk and scale and the transition between zones and prevalent platting patterns. Therefore no further mitigation is required.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible

department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Non-Appealable Design Review Conditions

During Construction

1. All changes to the exterior facades of the building and landscaping on site and in the right-of-way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Certificate of Occupancy:

2. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right-of-way improvements, shall be verified by the DCLU Planner assigned to this project (Michael Dorey, Tel. 206-615-1393), or by the Senior Urban Design Planner (Vince Lyons, Tel. 206-233-3823). Inspection appointments with the Planner must be made at least 3 working days in advance of the inspection.

DECISION - DESIGN REVIEW

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – DESIGN REVIEW

Prior to Issuance of any Construction or Grading Permit:

1. The applicant shall submit to DCLU a revised Landscape Plan which shall incorporate the quantity and quality of flora as shown on the various renderings that had been prepared for the presentation to the Board at the February 11, 2003 meeting. The plan shall provide for the selection, variety, placement, and quantities of trees, shrubs and plants which would provide, at maturity, the kind of vertical and horizontal massing and layering of planting materials as shown in the presentation drawings.

Prior to Certificate of Occupancy

2. The applicant shall demonstrate that the lighting fixtures within the parking area are so designed and so shielded so as to prevent any glare which could be perceived from the residential properties in the area. Call the Land Use Planner (206-615-1393) at least three (3) working days prior to inspection to schedule a special inspection.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS - SEPA

Construction Conditions

1. Parking for construction workers shall be provided on-site as soon as the garage is completed.
2. The hours of all work shall be limited to non-holiday weekdays between the hours of 7:30 A.M. and 6:00 P.M.

Signature: (signature on file) Date: April 7, 2003
Michael Dorcy, Land Use Planner
Department of Design, Construction and Land Use